

CITY OF LEON VALLEY CITY COUNCIL SPECIAL AND REGULAR MEETING

Leon Valley Conference Center 6421 Evers Road, Leon Valley, Texas 78238 Tuesday, December 15, 2015

MINUTES

The City Council of the City of Leon Valley, Texas met on the 15th day of December, 2015 at the Leon Valley Conference Center located at 6421 Evers Road, Leon Valley, Texas for the purpose of the following business:

SPECIAL CITY COUNCIL MEETING

Mayor Pro-Tem Carmen Sanchez called the Special City Council Meeting to order at 6:00 p.m.

Mayor Pro-Tem Carmen Sanchez asked that the minutes reflect that the following members of City Council were present: Council Members David Edwards, Monica Alcocer, and David Jordan. Council Member Benny Martinez arrived at 6:50 p.m. and Mayor Chris Riley was excused.

Also in attendance were:

City Manager Kelly Kuenstler, City Attorney Patrick Bernal, ACM/HR Director Crystal Caldera, City Secretary Saundra Passailaigue, Communication Director Darrick Green, Community Development Director Elizabeth Carol, Public Works Director Melinda Moritz, Assistant Public Works Director David Dimaline, Fire Chief Luis Valdez, Finance Director Vickie Wallace, Police Chief Randall Wallace and Assistant Police Chief Ray Lacy.

The City Council shall meet in Executive Session under Texas Government Code §551.074 Personnel Matters to discuss the following:

- A. Review of City Attorney applications.
- **B.** Review compensation of Finance Director.

The City Council went into Executive Session at 6:01 p.m.

Reconvene into Open Session and take action on issues discussed in Executive Session if necessary.

The City Council reconvened into Open Session at 7:09 p.m.

A motion was made by Council Member Monica Alcocer and seconded by Council Member David Jordan, to allow the city manager to enter into employment negotiations with Roxanne Pais Cotroneo for the position of city attorney for the City of Leon Valley. Upon a unanimous vote, Mayor Pro-Tem Sanchez announced the motion carried.

No action was taken was taken on B.

Adjournment

Mayor Pro-Tem Sanchez announced the meeting adjourned at 7:14 p.m.

REGULAR CITY COUNCIL MEETING

Mayor Pro-Tem Carmen Sanchez called the Regular City Council Meeting to order at 7:14 p.m. and led the Pledge of Allegiance.

Mayor Pro-Tem Carmen Sanchez asked that the minutes reflect that the following members of City Council were present: Council Members David Edwards, Monica Alcocer, Benny Martinez and David Jordan. Mayor Chris Riley was excused.

Also in attendance were:

City Manager Kelly Kuenstler, City Attorney Patrick Bernal, ACM/HR Director Crystal Caldera, City Secretary Saundra Passailaigue, Communication Director Darrick Green, Community Development Director Elizabeth Carol, Public Works Director Melinda Moritz, Assistant Public Works Director David Dimaline, Fire Chief Luis Valdez, Finance Director Vickie Wallace, Police Chief Randall Wallace and Assistant Police Chief Ray Lacy.

Citizens to Be Heard and Time for Objections to the Consent Agenda.

Mayor Pro-Tem Sanchez asked if any of the Council Members wished to pull any item from the Consent Agenda for discussion. There being no item pulled Mayor Pro-Tem Sanchez proceeded to citizens to be heard.

City Manager Kelly Kuenstler announced retirement of Finance Director Vickie Wallace and asked that everyone applaud Mrs. Wallace for her years of service to the City of Leon Valley. Mrs. Wallace's last day will be December 31, 2015.

CONSENT AGENDA

Approval of City Council Minutes.

a) December 01, 2015 Special and Regular City Council Meeting

Consideration and approval of Resolution No. 15-040R in support of the Vision Zero Initiative in the City of Leon Valley. M&C 2015-12-15-01 (S. Passailaigue)

Consideration and approval of Ordinance No. 15-032, a budget adjustment in the amount of \$665,057 for the CIED Fund. The budget adjustment will allow staff to close the CIED Fund and transfer the funds to the General Fund. M&C 2015-12-15-02 (V. Wallace)

Consideration and approval of Ordinance No. 15-033, approving of the Tax Roll for the City of Leon Valley, Texas, for the 2015 Tax Year. M&C 2015-12-15-03 (V. Wallace)

Consideration of Resolution No. 15-041R, a resolution of the City of Leon Valley City Council appointing members to the Board of Adjustment, Park Commission and Zoning Commission. M&C 2015-12-15-04 (S. Passailaigue)

A motion was made by Council Member Monica Alcocer and seconded by Council Member David Jordan, to approve Consent Agenda Item #7 (December 01, 2015 City Council Minutes), Item #8 (Resolution No. 15-040R), Item #9 (Ordinance No. 15-032), Item #10 (Ordinance No. 15-033) and Item #11 (Resolution No. 15-041R) as presented. Upon a unanimous vote, Mayor Pro-Tem Sanchez announced the motion carried.

REGULAR AGENDA

Presentation of the Annual Pool Report.

Assistant Public Works Director David Dimaline presented the Annual Pool Report which included discussion on a possible wrist band for citizens to have access to the pool in an effort to limit large groups of non-citizens from using the pool. During the past twelve months 95% of the pool users were citizens of Leon Valley but there were daycare centers using the pool for field trips. For this reason, staff is recommending the wrist band. Other staff recommendations were to continue to operate the pool at no cost to Leon Valley citizens and to continue the contract with San Antonio Pool Management. The total cost to operate the pool for the 2015 season was \$57,495.

- Carrie Macias, 6602 Huebner Road, wanted to know why wrist bands would be needed.
- Olen Yarnell, 7230 Sulky, also spoke about his concerns with the wrist bands.

Discussion and possible action on Water and Sewer Rate Study by Nelisa Heddin of NH Consulting, LLC.

Nelisa Heddin of NH Consulting, LLC gave a presentation on the Water and Sewer Rate Study which incorporated the rate increase by SAWS. NH Consulting, LLC is recommending the Council consider the following item which includes ordinances that would raise the wastewater and water rates for the City of Leon Valley.

Discussion and possible action on an Amendment to Chapter 13 Utilities and Article A11.000 Water and Sewer Fees. M&C #2015-12-15-05 (M. Moritz)

Public Works Director Melinda Moritz presented the item seeking City Council consideration and approval of amendments, additional fees, and the adoption of the Texas Public Utility Commission's rules and regulations to both Chapter 13 Utilities and Appendix A, Fee Schedule, in the water and sewer fees sections. Public Works Director Moritz gave a brief

background on the item by saying that the City hired NH Consulting to perform a cost of service and rate design study for the City's water and wastewater utility. The goal was to achieve a water and wastewater rate structure that will assure equitable and adequate revenues for operations, debt service retirement, capital improvements and bond covenant requirements. Staff identified necessary Capital Improvements for the water utility that include new water wells and associated improvements. The need for two additional water wells and associated improvements was presented to the City Council in July. At the same time, NH Consulting conducted a cost of service and rate design study for the water utility and included the cost of these improvements in their model, with the assumption that new debt would be issued in 2016, with the first payment due in 2017. The final rate study was presented to City Council in October. There were two revisions recommended by City Council and those have been incorporated. Public Works Director Moritz continued to say that in addition to the rate study, a revision to Chapter 13 Utilities was performed to include regulations that had been inadvertently taken or left out over a period of years of revisions to the ordinance. The sections have been added back to the ordinance. This item requires consideration of two ordinances one of the outlines the revised fee schedule under Article A11.000 Water and Sewer Fees. The revised water rates will become effective the first day of the water billing cycle for October 2016, and revised wastewater rates will become effective the first day of the wastewater billing cycle for March 2016.

- A. Ordinance No. 15-034, prohibiting new water wells, repealing and replacing Article 13.03 Private Water Wells, Article 13.04 Water Service, and Article 13.05 Sewer Service and replacing with new Articles 13.03, 13.04, and 13.05.
- B. Ordinance No. 15-035, an ordinance amending the City of Leon Valley Code of Ordinances Appendix A, Fee Schedule, Article A11.000 Water and Sewer Fees Section A11.001 (A), (C), (D), (G), (H), (J), (L 1,4) and adding (M) Connection/Disconnection Fee; Section (N) Late Fee; Section (O) Returned Check Fee; Section (P) Meter Plug and Removal Fee; (Q) Texas Commission on Environmental Quality Public Health Service Fee, (R) adopting the Texas Administrative Code, Title 16, Part Ii, Chapter 24, providing an effective date of the first day of the billing cycle for October 2016 for water rates, and an effective date of the first day of the water billing cycle for January 2016 for wastewater rates with publication, as required by law, and providing a conflicts provision.

A motion was made by Council Member Benny Martinez and seconded by Council Member David Jordan, to adopt Ordinance No. 15-034 and Ordinance No. 15-035 as captioned. Upon a unanimous vote, Mayor Pro-Tem Sanchez announced the motion carried.

Discussion – Linkwood Addition Sidewalks. M&C #2015-12-15-06 (M. Moritz)

Public Works Director Melinda Moritz presented the item to discuss the completion of sidewalks in the Linkwood Addition subdivision. The Linkwood Addition subdivision was platted in 1956. At that time, there was no City provision that sidewalks be installed by the owners of each property. When the Subdivision Code was changed in 1972 to include this requirement, the Code specifically exempted all properties that were platted before July of 1968. In 2006,

the Code was changed to require that all conditions of the Subdivision Code would be met by owners of the developed lots, once a certain building permit cumulative valuation was reached, as follows: "(h) Permits for existing buildings or properties that exist in a platted subdivision lot not fully conforming to the standards and requirements of this section 10.02.151, may be issued until the cumulative value of the permitted work reaches \$5,000.00; then the prohibition regarding the issuance of permits provided for in section 10.02.151(b) of this code shall apply. (Ordinance 06-046, sec. 1, adopted 10/3/06)" Public Works Director Moritz said this would mean that while property owners of the rest of the vacant properties will be required to install sidewalks upon development of their lots, the owners of developed lots that seek building permits will eventually be required to install them as well. This could take years and keep in mind that Linkwood is approximately 3/4 built out. The areas that have not been addressed that are the responsibility of the City are the alley crossings. Each alley crossing is unique due to slope and obstacles; therefore construction plans will have to be developed for each individual area, in order to develop accurate cost estimates. There are 20 approximately alley crossings and several sections of sidewalks that need to be reconfigured. Staff is recommending that City Council consider this project as a Capital Improvement in the FY 2018 budget.

Mayor Pro-Tem Sanchez asked that when this item comes back to Council that it include an analysis on security.

Presentation, discussion and possible action on the Reserve Officer Body Armor Purchase Policy from the Police Department; and approval of Ordinance No. 15-036, a Budget Adjustment related to purchase Body Armor in accordance with our policy. M&C #2015-12-15-07 (R. Wallace)

Police Chief Randall Wallace presented the item at the request of City Council that the purchase of body armor for Police Officers be extended to our Reserve Officers. Chief Wallace said the Reserves will follow the same policy for wearing the vest as the Regular Officers. In order to assist our Reserve Officers, the City of Leon Valley will establish a procedure to either reimburse the Reserve Officer for the purchase of the vest, over a five year period, or will purchase the vest outright for the Reserve Officers. A Reserve Officer shall have one year of appointment to his position to purchase body armor. Upon completion of each and every year of satisfactory service, up to five years, the Reserve will be reimbursed 1/5 of the purchase price of the vest, minus sales tax. Chief Wallace added that if, after the purchase price of the initial vest purchase, the Reserve Officer is still a volunteer for the City of Leon Valley, and each and every subsequent vest will be purchased by the City of Leon Valley.

Chief Wallace concluded his presentation by informing the City Council that to purchase body armor for 3 Reserves who have completed 5+years of service would cost \$2,367 from this fiscal year. The funding will come from the Police Forfeiture Fund

A motion was made by Council Member Monica Alcocer and seconded by Council Member Benny Martinez, to approve the Reserve Officer Body Armor Purchase Policy as presented and to adopt Ordinance No. 15-036 as captioned. Upon a unanimous vote, Mayor Pro-Tem Sanchez announced the motion carried.

Presentation, discussion and possible action on a Proposed Police Physical Fitness Policy. M&C #2015-12-15-08 (R. Wallace)

Police Chief Randall Wallace presented the item at the request of City Council to develop Police Officer Physical Ability Examination. Only those skills that do not require training to become proficient are assessed. Police Chief Wallace said that officers must complete all events in order to pass the examination. Although proctors may be on hand to tell officers if they made a wrong turn it is ultimately the candidate's responsibility to make sure he/she understands what is required. Upon completion of the tests, officers will be told their time and informed of their pass/fail status.

All sworn personnel, at all ranks shall take the department's Physical Ability Examination on an annual basis. Sworn personnel who have failed to pass the department's Physical Ability Examination on their second attempt, or have been on "light" duty for 180 days or longer, and others so deemed by the designated Physician appointed by the City Manager, may be required to pass the examination before being considered "fit for duty." Failure to obtain physician approval, or failure to pass the subsequent Physical Ability Examination, will result in possible termination. Police Chief Wallace concluded the presentation saying that the department will perform the examinations on a quarterly basis.

A motion was made by Council Member Monica Alcocer and seconded by Council Member David Jordan, to approve the Police Physical Fitness Policy as presented. Upon a unanimous vote, Mayor Pro-Tem Sanchez announced the motion carried.

Presentation, discussion and possible action on a Marketing and Advertising Program for new or renovating businesses in the City of Leon Valley M&C #2015-12-15-09 (D. Green)

Communications Director Darrick Green presented the item saying the new and existing business owners in Leon Valley represent a vital part of the City's tax base. As such, it is in the City's best interest to assist in the promotion and marketing of existing and new businesses making a substantial investment in their properties. The proposal is for the Communications Department to create a joint collaboration with the LVEDC, LVACC, the Department of Community Development and possibly H.E.B. to help market and promote Leon Valley businesses. Businesses investing more than \$10,000.00 to improve an existing or new business physical site in Leon Valley would receive free advertising via the City's Facebook Page. The free advertising would be through a "Where's Waldo?" like search for the location of the new/renovating business. Instead, it would be "Where's Leon the Lion?" Each week, for 4 consecutive weeks, the Communications Department will post pictures of "Leon the Lion" on the cities Facebook Page along with the general location of the business in question, with progressively more specific detail, until someone correctly identifies the location of the business being promoted. The first person to correctly identify the location of the business being featured will win a \$30/\$40.00 gift card to H.E.B. Communications Director Green concluded saying that the proposal would be jointly funded through a \$10.00 contribution from each of the sponsoring entities (LVEDC, LVACC, the Department of Community Development and possibly H.E.B.) The hope is that when approached with the gift card promotion program,

H.E.B. will see the inherent benefit and also contribute \$10.00 for each gift card awarded.

A motion was made by Council Member David Jordan and seconded by Council Member Monica Alcocer, to approve of the Marketing and Advertising Program as presented and after presentation has been made to the Leon Valley Area Chamber of Commerce (LVACC) and the City of Leon Valley Economic Development Corporation (CoLVEDC). Upon a unanimous vote, Mayor Pro-Tem Sanchez announced the motion carried.

City Manager's Report:

- a) Department Reports
- b) Approved Minutes from Boards, Commissions and Committees
- c) Air Quality Checklist
- d) Future Agenda Items:
 - Call of the May 2016 General Election
- e) Upcoming Important Events:
 - Town Hall Meeting, Conference Center, January 23, 2016 from 8:30 a.m. until 12:30 p.m.
 - City Closure, December 24th through January 1st in observation of the holidays (except for emergency personnel).
 - Holiday Library hours of operation:
 - December 24th -25th Closed
 - O December 26th Open 10am-2pm
 - o December 27th-28th Closed

 - December 29th Open 10am-8pm
 December 30th Open 10am-6pm
 December 31st Open 10am-5pm
 - January 1st Closed
 - January 2nd Open 10am-2pm

City Manager Kuenstler reminded everyone of the upcoming agenda items as well as upcoming City events and holiday closures.

Citizens to be heard.

None

Announcements by the Mayor and Council Members.

Council Member David Edwards wished everyone a Merry Christmas.

Council Member Monica Edwards wished everyone a Merry Christmas and thanked everyone for "sticking with us."

Council Member Benny Martinez wished everyone a Merry Christmas and a happy New Year.

Council Member David Jordan said he learned a lot at the Interlocal Agreement Meeting (ILA) he attended with City Manager Kuenstler. Council Member Jordan also wished everyone a Merry Christmas.

Mayor Pro-Tem Carmen Sanchez mentioned that the ILA will be very helpful in 2016 when the City begins negotiating employee health benefits. Mayor Pro-Tem Sanchez also wished everyone a Merry Christmas and a happy New Year

City Manager Kelly Kuenstler wished everyone a Merry Christmas and a happy New Year.

City Attorney Patrick Bernal thanked the City Manager and City Council for allowing his firm, Denton/Navarro/Rocha/Bernal/Hyde & Zech to represent the City for the past few years.

City Secretary Saundra Passailaigue announced that the first draft of the City Code had arrived and that she and the City Manager would be reviewing the 946 page document over the next few weeks and that this would be followed by two legal reviews before coming to City Council for consideration.

Adjournment.

Mayor Pro-Tem Sanchez announced the meeting adjourned at 9:03 p.m.

These minutes approved by the Leon Valley City Council on the 19th of January, 2016.

APPROVED

CHRIS RILEY MAYOR

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC CITY SECRETARY